

Patterson Belknap Webb & Tyler LLP

1133 Avenue of the Americas New York, NY 10036-6710 212.336.2000 fax 212.336.2222 www.pbwt.com

December 17, 2019

Daniel Ruzumna
Partner
(212) 336-2034
druzumna@pbwt.com

By ECF

Hon. Peggy Kuo
United States Magistrate Judge
United States District Court
Eastern District of New York
225 Cadman Plaza East
Brooklyn, New York 11201

**Re: *Nasimova v. Attentive Home Care Agency, Inc., et al.*, 16-cv-01005
(E.D.N.Y.) (SJ) (PK)**

Dear Judge Kuo:

We represent Defendants Attentive Home Care Agency, Inc., d/b/a Always Home Care (“Attentive”), and Yelena Pustilnik (collectively, “Defendants”) in the above-captioned matter. Consistent with the Court’s November 8, 2019 Order, we are writing on behalf of the parties to provide the Court with a status report.

As the Court is aware, at a JAMS mediation session that took place on October 31, 2019, the parties reached an agreement in principle to resolve all of Plaintiffs’ claims against Defendants on a class-wide basis.¹ Since that time, the parties have been working diligently to draft a settlement agreement (the “Agreement”) that reflects the results of their negotiations. The parties have exchanged drafts and have conferred multiple times regarding the Agreement and the supporting documents thereto. The terms of the Agreement are nearly finalized.

¹ During the course of the mediation, Plaintiffs informed Defendants that they intended to seek leave to amend their complaint to allege an additional claim. Defendants have consented to this amendment and the parties agreed to resolve the additional claim as a part of their class-wide settlement. On December 13, 2019, Defendants filed a stipulation reflecting that all parties consented to the amendment, and on December 14, 2019, Plaintiffs filed their Amended Complaint.

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Furthermore, the parties are working to engage a claims administrator and have continued to compile and exchange the information that will be necessary to effectuate the settlement in the event that it is approved, including the information needed to provide notice to the proposed settlement class members and to calculate each class member's anticipated recovery under the proposed settlement. Because the settlement covers multiple claims for a substantial number of aides over a period of nearly a decade, this process is taking slightly longer than anticipated. In light of the upcoming holidays the parties anticipate that they will need a short amount of time into the new year to retain a claims administrator and gather the remaining information necessary to calculate the anticipated individual recovery amounts.

The parties therefore request that the Court continue to hold in abeyance its ruling on the pending motion for class certification while the parties finalize the terms of their settlement and engage a claims administrator. The parties will move for preliminary approval of the settlement by January 10, 2020.

Respectfully submitted,

/s/ Daniel S. Ruzumna

Daniel S. Ruzumna

cc: William C. Rand, Esq., counsel for Plaintiff (by ECF)